
Appeal Decision

Site visit made on 18 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/B5480/D/19/3241335
9 Benhurst Avenue, Hornchurch RM12 4QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ghani against the decision of the Council of the London Borough of Havering.
 - The application Ref P1344.19, dated 30 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is a two storey side extension and single storey rear extension with steps to the rear garden.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 2 March 2020.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for a 'two storey side extension and part two storey/part single storey rear extension with steps to rear garden'. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on: -
 - the character and appearance of the existing house and street scene; and
 - the living conditions of the occupiers of 7 Benhurst Avenue, with particular regard to outlook and sunlight.

Reasons

Character and appearance

4. The residential area within which the appeal site is situated is primarily formed of semi-detached and terraced two-storey houses with a varied external appearance. The appeal property is semi-detached with No 11, the front elevation of which incorporates a projection accommodating the double-height

bay windows to the properties, the roof over which is hipped and set down from the main ridgeline. The eaves of the property are prominent and overhanging. Taken together, these features make a positive contribution to the character and appearance of the existing house and the street scene.

5. In comparison to its immediate neighbours, the appeal property is spaced some distance from the opposing two-storey flank wall of 7 Benhurst Avenue, which is an end of terrace house angled toward the junction with Warren Drive. In light of this, the side elevation of No 9 is visible from within the street and between the two properties.
6. The Council's Residential Extensions and Alterations Supplementary Planning Document (Adopted 2011) (the Council's SPD) refers to side and rear extensions. It requires side extensions to be subordinate to the existing house. They should therefore be set back from the front façade at ground floor by at least a brick course and by at least one metre at first floor. This is to enable old and new materials to be split and to create a break in the roofline and façade respectively. Two-storey rear extensions should achieve equivalent living conditions where sited along a common boundary of attached or non-attached neighbouring houses. As such, they should be set in from the boundary and not project more than three metres.
7. The proposal would replace a single storey projection to the side, set back from the front façade of the house. The proposed two-storey side extension would be flush with the front façade across both floors and the existing ridgeline would continue across. The side extension would continue beyond the rear façade of the house into the proposed two-storey rear extension, which would project as far as the proposed single-storey rear extension, in excess of three metres. The combined side elevation of the proposed two-storey extensions would also project above the eaves to form a small parapet, as such there would be no eaves to the side.
8. Given the length and height of the proposed two-storey side and rear extensions, they would present a large blank and uninterrupted wall, which would appear dominant and imposing in relation to the existing house when viewed from within the garden of No 7 and from within the street. Furthermore, the proposed two-storey extensions would not appear subordinate to the existing house and would contrast with its architecture. In particular, the flush nature of the side extension would uncomfortably extend the front façade to the detriment of the appearance of the existing house and its wider contribution to the street scene. The additional built form in this position would also add to the overall bulk and mass of the proposal.
9. I appreciate that the proposal could be constructed using a matching palette of materials and the proposed two-storey rear extension would be set at a right angle to the main roof and finished with a hipped end and lower ridge. Furthermore, I acknowledge that the proposal would not lead to a terracing effect due to the clear and discernible gap between the two-storey elements of Nos 7 and 9. Accordingly, these aspects of the proposal would accord with criteria in the Council's SPD.
10. I have been referred to an extension to the side of 30 Warren Drive, adjacent to 1 Benhurst Avenue. Although that extension projects forward and to the rear of that property, I note that forward projections are a feature within Warren Drive. Similarly, the two-storey side extension to No 10, opposite the appeal

property is flush with the front façade and extend to the full depth of that property. However, it is an end of terrace house with a continuous ridge line and front façade, that extension therefore meets relevant criteria in the Council's SPD. Furthermore, the extensions to the roofs of Nos 7 and 13 are dormer windows which project above the ridgeline and from the side roof slope respectively. Given these reasons, the aforementioned extensions are not comparable with the appeal scheme before me. I have therefore considered the appeal scheme on its own individual merits.

11. Despite my findings in relation to the roof form of the proposed two-storey rear extension and the potential for terracing effects, I conclude that the proposed two-storey side and rear extensions would have an unacceptably harmful effect on the character and appearance of the existing house and the street scene. Hence, the proposal would not accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (Adopted 2008) (DPD) and Policies 7.4 and 7.6 of The London Plan (March 2016). Together these policies require that buildings provide a high-quality design response and maintain, enhance or improve the character and appearance of the local area by responding to distinctive local building forms and patterns of development and by respecting the scale, massing and height of the surrounding physical context. The proposal would also conflict with the Council's SPD due to the requirements outlined above.

Living conditions

12. In the first main issue, I suggested that the combined length of the proposed two-storey side and rear extensions would appear dominant when viewed from No 7 and its garden due to the visual relationship with the existing house. However, these proposed extensions would also appear dominant in relation to No 7, as they would incorporate a substantial area of solid wall close to the side boundary with that property.
13. Moreover, whilst I appreciate that the principle habitable rooms within No 7 would be further away from the proposal, the resultant development would still appear oppressive and create an enclosing effect when viewed from within the house or its garden. There are fences and some established planting present along the boundary with that property but these would not be sufficient to screen the harmful effects of this element of the development and the planting could not be relied upon in perpetuity. Given the orientation of No 7 and its garden, as well as its location to the north of No 9, the combined scale, height and mass of the proposed two-storey extensions would also be likely to lead to a loss of sunlight within No 7 and its garden.
14. I have been referred to extensions that have been erected to the rear of Nos 11 and 13. Although the layout and scale of these extensions is similar to the proposal, the relationship with neighbouring properties is not comparable with the appeal scheme. Moreover, the properties are parallel with their immediate neighbours, not angled like No 7, so the extensions do not have the same effects as those that would be expected with the proposal.
15. In addition, the effect of the extensions to the side of 10 Benhurst Avenue and 30 Warren Drive would also not be comparable with the appeal scheme in respect of living conditions, as these side extensions are separated from the gardens of the neighbouring properties by a garage and driveway respectively.

In contrast, the appeal scheme would extend along the boundary, well beyond the rear façade of any intervening buildings at No 7, including its garage.

16. In light of the above, I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 7, with particular regard to outlook and sunlight. Hence, the proposal would not accord with Policy DC61 of the DPD and the Council's SPD. Together the policy and guidance require that proposals do not result in, amongst other things, unacceptable overshadowing and loss of sunlight to existing properties and gardens. In particular, the Council's SPD suggests that in order to protect the living conditions of non-attached neighbouring properties, two-storey extensions built up to the property boundary will not normally be acceptable.

Other Matters

17. The appellant has confirmed that he has planning permission for a smaller extension to the side and rear of the existing house¹. As there is a greater than theoretical possibility of that proposal taking place, I consider it to be a 'fallback' position. However, that proposal does not include a first-floor rear projection and the extension would incorporate a small set-back to the ground floor with a lean-to over and a greater set-back at first floor. The ridge would also be lower than the main ridge of the house and there would be an obscure glazed window to the side elevation at first floor. Accordingly, the fallback position and proposed development would not be comparable in either their design or scale.
18. I do not therefore consider that the presence of the fallback position would be sufficient justification to allow the appeal, as I have adjudged the proposed development to cause unacceptable harm to the character and appearance of the existing house and street scene and the living conditions of the occupants of 7 Benhurst Avenue.
19. I appreciate that the internal layout and additional space within the appeal proposal would be more advantageous to the appellant and his family than the fallback position. I also acknowledge that the proposal would provide a larger family home in a sustainable location close to railway services. The absence of harm in respect of all other matters, including the living conditions of other neighbouring occupiers and the parking available within the site, would neither weigh for nor against the proposals. Accordingly, taking the proposal on its individual merits, consideration of these matters does not lead me to a different conclusion on the main issues.
20. The appellant has suggested an alternative scheme for the extension of the appeal property, which would include an obscure glazed window to the side elevation, like the fallback position. The alternative scheme would change the nature of the proposed development before me and deprive those that have not had the opportunity of consultation. With cognisance of the Wheatcroft principles, I have therefore disregarded these matters in my consideration of this appeal.

¹ Application Reference: P0816.19, granted 2 August 2019, for a two-storey side extension and single storey rear extension with steps to rear garden.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR